
TITLE 326 AIR POLLUTION CONTROL BOARD

NOTICE OF READOPTION
IC 13-14-9.5-1.1 NOTICE OF RULE REVIEW
LSA Document #10-393

This is a notice of rule review as described in [IC 13-14-9.5-1.1](#), which outlines types of rules that do not expire after seven years. These types of rules are: (1) rules required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; and (2) rules required to begin or continue receiving federal funding for implementation or operation of a program.

The Indiana Department of Environmental Management (IDEM) is required to publish a list of these rules that have been effective for seven years and request comment, in a 30 day comment period, on any specific rule that should be reviewed through the regular rulemaking process under [IC 13-14-9](#). IDEM must also provide notice of a public hearing before the Air Pollution Control Board concerning this [IC 13-14-9.5-1.1](#) rule review. IDEM will respond to all comments received during the comment period and provide the comments and responses to the board during the public hearing. The board, after considering the comments, responses, and testimony at the hearing, will direct IDEM on whether additional rulemaking actions must be started to address concerns raised to the board.

IDEM has previously initiated two rulemakings, LSA Document #09-492 and LSA Document #09-493, which include proposed amendments to [326 IAC 2-10-1](#) and [326 IAC 2-11-1](#); sections that are also listed in this notice. Because of the seven year requirement, IDEM is required to include all of [326 IAC 2-10](#) and [326 IAC 2-11](#) in this notice.

IC 13-14-9-4(a)(5) THROUGH IC 13-14-9-4(a)(7) IDENTIFICATION OF RESTRICTIONS AND REQUIREMENTS NOT IMPOSED UNDER FEDERAL LAW

[IC 13-14-9.5-1.1](#) requires this notice to contain the information described under [IC 13-14-9-4\(a\)\(5\)](#) through [IC 13-14-9-4\(a\)\(7\)](#) regarding restrictions and requirements of the listed rules that are not imposed under federal law. No element of the listed rules imposes either a restriction or requirement on persons to whom the draft rule applies that is not imposed under federal law.

LIST OF RULES

The following is a list of all rules in Title 326 of the Indiana Administrative Code that have been effective for seven years and are: (1) required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; or (2) required to begin or continue receiving federal funding for implementation or operation of a program:

Permit by Rule

326 IAC 2-10-1	Limiting potential to emit
326 IAC 2-10-2.1	Definitions
326 IAC 2-10-3.1	Conditions
326 IAC 2-10-4.1	Demonstration of compliance
326 IAC 2-10-5.1	Compliance with other provisions
326 IAC 2-10-6.1	Enforcement

Permit by Rule for Specific Source Categories

326 IAC 2-11-1	General provisions
326 IAC 2-11-2	Gasoline dispensing operations
326 IAC 2-11-3	Grain elevators
326 IAC 2-11-4	Grain processing or milling

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits comments on specific rules listed above that should be reviewed through the regular rulemaking process under [IC 13-14-9](#). IDEM requests that specific changes and language suggestions accompany such comments.

Mailed comments should be addressed to:
#10-393 (APCB) [IC 13-14-9.5-1.1](#) Notice of Rule Review
Manda Clevenger Mail Code 61-50
Rule and State Implementation Plan Development Section
Office of Air Quality
Indiana Department of Environmental Management

100 North Senate Avenue
Indianapolis, Indiana 46204

Hand delivered comments will be accepted by the receptionist on duty at the tenth floor reception desk, Office of Air Quality, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-5967, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rule and State Implementation Plan Development Section at (317) 234-6530.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by July 23, 2010.

Additional information regarding this action may be obtained from Manda Clevenger, Rule and State Implementation Plan Development Section, Office of Air Quality, (317) 232-8229 or (800) 451-6027 (in Indiana). Additional information regarding LSA Document #09-492 and LSA Document #09-493 may be obtained from Amy Smith, Rule and State Implementation Plan Development Section, Office of Air Quality, (317) 233-8628 or (800) 451-6027 (in Indiana).

Scott Deloney, Chief
Air Programs Branch
Office of Air Quality

[Notice of Public Hearing](#)

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